

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Unither Pharma, Inc. et al.,

NO. C 02-05284 JW

Plaintiffs and Counter-  
Defendants,

**ORDER TO SHOW CAUSE  
RE: SETTLEMENT**

v.

The Daily Wellness Company et al.,

Defendants and Counter-  
Claimants.

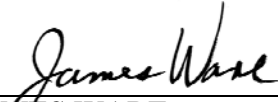
On July 17, 2006, the parties filed a joint case management statement in which they informed the Court they "have been engaged in active settlement negotiations, and have negotiated a definitive settlement agreement." The parties requested that the case management conference, presently scheduled for August 7, 2006, be taken off calendar. They "anticipate filing a stipulated dismissal shortly."

In light of this, the Court vacates all trial and pretrial dates. On or before October 13, 2006, the parties shall file a stipulated dismissal pursuant to Federal Rule of Civil Procedure 41(a). If a dismissal is not filed by the specified date, all parties shall appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, Ca. on **October 23, 2006 at 9:00 a.m.** to show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(b).

On or before October 13, 2006, the parties shall file a joint statement in response to the Order to Show Cause. The joint statement shall set forth the status of the activities of the parties for finalizing the settlement and how much additional time is requested to finalize and file the dismissal.

1 If a voluntary dismissal is filed as ordered, the Order to Show Cause hearing will be  
2 automatically vacated. Failure to comply with any part of this Order will be deemed sufficient  
3 grounds to dismiss this action.

4  
5 Dated: July 28, 2006

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Anup Tikku [Anupt@prestongates.com](mailto:Anupt@prestongates.com)  
3 Dina Grinshpun [grinshpun@fr.com](mailto:grinshpun@fr.com)  
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10 **Dated: July 28, 2006**

**Richard W. Wieking, Clerk**

11 By:       /s/ JW Chambers        
12 **Snooki Puli**  
13 **Courtroom Deputy**